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APPLICATION N	₹O.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/840,139		04/24/2001	Seiichi Ishitsuka	MA-481-US	81-US 4407	
466	7590	02/22/2005		EXAMINER		
YOUNG	& THOM	IPSON	HAQ, NAEEM U			
745 SOU 2ND FLO	TH 23RD S OOR	STREET		ART UNIT	PAPER NUMBER	
ARLING	TON, VA	22202		3625		
				DATE MAILED: 02/22/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

i	Applica	tion No.	Applicant(s)	
	09/840,	139	ISHITSUKA, SEIICHI	,
Office Action Summary	Examin	er	Art Unit	
2	Naeem	•	3625	
The MAILING DATE of this comm Period for Reply	unication appears on t	he cover sheet with the c	orrespondence address	S
A SHORTENED STATUTORY PERIOD THE MAILING DATE OF THIS COMML - Extensions of time may be available under the provisi after SIX (6) MONTHS from the mailing date of this co. - If the period for reply specified above is less than thirt. - If NO period for reply is specified above, the maximum. - Failure to reply within the set or extended period for real and reply received by the Office later than three mont earned patent term adjustment. See 37 CFR 1.704(b)	JNICATION. ons of 37 CFR 1.136(a). In no ommunication. y (30) days, a reply within the si n statutory period will apply and eply will, by statute, cause the a hs after the mailing date of this	event, however, may a reply be tin latutory minimum of thirty (30) day will expire SIX (6) MONTHS from pplication to become ABANDONE	nety filed s will be considered timety. the mailing date of this commun D (35 U.S.C. § 133).	tication.
Status				
1) Responsive to communication(s) 2a) This action is FINAL. 3) Since this application is in condition closed in accordance with the practice.	2b)⊠ This action is on for allowance excep	 non-final. ot for formal matters, pro		its is
Disposition of Claims				
4)⊠ Claim(s) <u>1-12</u> is/are pending in th 4a) Of the above claim(s) <u>2-6 and</u> 5)☐ Claim(s) is/are allowed. 6)☐ Claim(s) <u>1 and 7-9</u> is/are rejected 7)☐ Claim(s) is/are objected to 8)☐ Claim(s) are subject to res	<u>10-12</u> is/are withdraw			
Application Papers				
9) The specification is objected to by 10) The drawing(s) filed on is/a Applicant may not request that any of Replacement drawing sheet(s) includ 11) The oath or declaration is objected	re: a) accepted or I pjection to the drawing(s) ing the correction is requ	be held in abeyance. See ired if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.7	• •
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a clair a) All b) Some * c) None of 1. Certified copies of the prior 2. Certified copies of the prior 3. Copies of the certified copies application from the Internat * See the attached detailed Office ac	: ity documents have be ity documents have be es of the priority docun tional Bureau (PCT Re	een received. en received in Application nents have been receive ule 17.2(a)).	on No ed in this National Stag	e
Attachment(c)				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review 3) Information Disclosure Statement(s) (PTO-1449 Paper No(s)/Mail Date		4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)	Office Action Summ	nary Pa	rt of Paper No./Mail Date 20	 050207

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1 and 7-9 without traverse is hereby acknowledged.

All other claims are hereby withdrawn from consideration.

Claim Objections

Claim 1 is objected to because of the following informalities: This claim recites the limitations "the user terminal", "the specification", "the purchased merchandise", "the seller", "the supplier", and "the credit level record". The Examiner notes there is insufficient antecedent basis for these limitations in the claim. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: This claim recites the limitations "the applicable merchandise hit" and "the seller hit". The Examiner notes there is insufficient antecedent basis for these limitations in the claim. Appropriate correction is required.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 and 7-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

These claims make only nominal use of technology (i.e. receiving from a user terminal) and are therefore not within the technological arts. *The claimed invention must utilize technology in a non-trivial manner (Ex parte Bowman, 61 USPQ2d, 1665,1671 (Bd. Pat. App. & Inter. 2001))*. Although Bowman is not precedential, it has been cited for its analysis.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For this reason, the claimed invention is not clear. At best, the Examiner understands the claimed invention as follows:

Allowing a user to place an order for a merchandise from a seller; checking the seller's credit level; executing the order if the seller's credit level is acceptable; charging a service charge for executing the order.

Referring to claim 8, this claim recites the limitation "good credit level". The term "good" is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Referring to claim 9, this claim recites the limitation "... search said communication lines..." It is unclear to the Examiner what this limitation means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (US 6,269,343 B1).

Referring to claim 1, Pallakoff discloses a purchase method for purchase via communication lines comprising the steps of: a step which, by receiving from the user terminal the specification of the purchased merchandise via communication lines, accepts the request for purchase of said merchandise (column 3, lines 22-36; Figure 2,

item "23"; column 4, lines 10 and 11, lines 45-52; column 7, lines 15-30); a step to refer to the credit level record of said seller for transactions (column 5, lines 46-63); a step to purchase the merchandise requested for purchase from said seller and to deliver the merchandise to said user (column 5, lines 38-45); a step to manage charging for the purchase service provided to said user (column 5, lines 38-45). Pallakoff does not disclose receiving from the user terminal the specification of the seller selling said merchandise. However, Pallakoff discloses that sellers must register with the central controller and undergo a credit worthiness check prior to making offers available to buyers (column 5, line 46 - column 6, lines 26). Furthermore, Pallakoff discloses that buyers purchase a merchandise by joining the Buying Team of an offer made by a seller. (column 4, lines 43-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have the buyer specify the seller of the merchandise in the Team Buying of Pallakoff. One of ordinary skill in the art would have been motivated to do so in order to allow a buyer to purchase a merchandise from a well known seller. Regarding the limitation "agent purchase", the Examiner notes that the Applicant's specification does not provide a definition for this term. Therefore the Examiner will take the broadest reasonable interpretation in light of the Applicant's specification and assume that the term "agent purchase" refers to any entity that facilitates a transaction between a buyer and seller. Pallakoff discloses a central controller (Figure 9, item "93") that facilitates a transaction between buyers and sellers.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (US 6,269,343 B1) in view of Giovannoli (US 5,758,328) and further in view of Official Notice.

Referring to claims 7-9, Pallakoff discloses the limitations of claim 1 as noted above. Furthermore Pallakoff discloses recording the credit level information for each seller to a database and searching the database for the credit level record of said seller (column 5, lines 46-63). Pallakoff does not disclose classifying sellers by category of the merchandise and searching the list of categories. However, Giovannoli discloses a central controller that maintains preprogrammed menu (i.e. list) information to classify products and services into categories (column 4, lines 4-34). Giovannoli also allows a user to search the menu list (column 4, lines 4-34). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the invention of Pallakoff. One of ordinary skill in the art would have been motivated to do so in order to correlate product and service identifications for buyer and vendors as taught by Giovannoli (column 4, lines 26-29). Pallakoff and Giovannoli do not teach executing the requested purchase when a sufficiently good credit level is recorded. However, Official Notice is taken that it is old and well known in the art to execute a transaction only when good credit level is recorded. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to ensure that a party was able to honor its agreement in a transaction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (703)-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naeem Haq, Patent Examiner

Art Unit 3625

February 7, 2005

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600